

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

KAREN SIMON,

Plaintiff,

v.

Case No. 6:14-cv-2125-Orl-37GJK

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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**ORDER**

This cause is before the Court on the following:

1. Defendant State Farm Mutual Automobile Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint and Incorporated Memorandum of Law (Doc. 5), filed December 30, 2014; and
2. Plaintiff Karen Simon's Memorandum of Law in Opposition to State Farm's Motion to Dismiss Plaintiff's Amended Complaint (Doc. 14), filed January 16, 2015.

At the parties' request (see Doc. 19), the Court held a Preliminary Pretrial Conference ("PPTC") on February 12, 2015. (See Docs. 20, 21.) At the PPTC, the Court heard argument from the parties as to their respective positions on Defendant's Motion to Dismiss (Doc. 5). (See Doc. 21.) In accordance with the Court's rulings during the PPTC, it is hereby **ORDERED AND ADJUDGED** that:

1. Defendant State Farm Mutual Automobile Insurance Company's Motion to Dismiss Plaintiff's Amended Complaint and Incorporated Memorandum of Law (Doc. 5) is **GRANTED IN PART AND DENIED IN PART**.

- a. The Motion is **GRANTED** as to the Garnishment claim (“Count 3”), which is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an Amended Complaint on or before Friday, **February 20, 2015**.
  - b. The Motion (Doc. 5) is **GRANTED** as to the Florida Claims Administration Statute claim (“Count IV”), which is **DISMISSED WITH PREJUDICE**.
  - c. In all other respects, the Motion is **DENIED**.
2. The Court will defer entering a Case Management and Scheduling Order until it has received the additional briefing as ordered at the PPTC.  
(See Doc. 21.)

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 13, 2015.

  
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ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record